

SUMMARY OF ACTIONS
Judicial Council Meeting:
February 20, 1997, Sacramento

Trial Court Funding

- Reviewed the legal, procedural, and budgetary provisions and implications of Government Code section 68073, the statute that provides a mechanism for state courts to notify their respective counties of funding deficiencies and to seek additional funding from their counties.
- Adopted a new definition of “need for additional funding” as follows:
“need for additional funding,” pursuant to Government Code section 68073, requires courts to establish that they are unable to sufficiently provide services of trial court operations mandated by law based upon all available funding sources. “Need” is neither the equivalent of the Trial Court Budget Commission’s (TCBC) determined needs-based approved budget, nor “critical need” as applied by the TCBC in distributing funding under Senate Bill 99 in fiscal year 1995–96.
- Approved and adopted the finding by the Trial Court Budget Commission that Lassen County courts have established a need for additional funding.
- Approved and adopted the finding that the Orange County courts’ deficiency request is justified based upon documentation submitted.
- Voted to urge the courts and counties to work together to ensure that the necessary funding is available to maintain an acceptable level of operations for Orange and Lassen County courts.
- Determined that a claim of deficiency regarding trial court facilities is outside the scope of TCBC authority and approved and adopted the finding that no state funds are available for allocation or reallocation at this time.
- With respect to future Government Code section 68073 actions, the council voted to consider actual need for funds, rather than attempt to fully fund the approved budget in the absence of full state funding. The council directed staff to return to the council at the appropriate time with recommended criteria and procedures for future Government Code section 68073 actions, in the event that it remains in effect.

Family Law

- Approved the recommendation by the Family and Juvenile Law Advisory Committee's Juvenile Law Subcommittee that four counties—Fresno, Riverside, San Diego, and Siskiyou—establish pilot projects allowing foster care placements in nonlicensed, nonrelative extended family member homes as required by Senate Bill 1262. By virtue of legislation, Santa Clara county is also participating.

Court Appointed Counsel Program

- At the recommendation of the Administrative Presiding Justices Advisory Committee, the council approved the Report on the Efficiency and Effectiveness of the Court Appointed Counsel Program and authorized the Administrative Director of the Courts to transmit the report to the Legislature.

Rules/Standards/Forms

- Amended an existing rule of court and adopted new rules to implement Assembly Bill 195, legislation that establishes new procedures to expedite certification of the record in capital appeals. California Rules of Court, rules 39.50–39.57 are effective March 1, 1997.

Early Mediation of Civil Actions

- On the recommendation of the Civil and Small Claims Advisory Committee, the council approved a proposal to sponsor legislation to authorize an early status conference to consider early referral to mediation for actions and proceedings in which the amount in controversy exceeds \$50,000.